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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/574,361	03/30/2006	Robert Albertus Brondijk	NL 031219	2296
24737 7590 09/29/2009 PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510				
EXAMINER HARVEY, DAVID E				
ART UNIT 2621		PAPER NUMBER		
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/574,361

**Applicant(s)**

BRONDIJK, ROBERT ALBERTUS

**Examiner**

DAVID E. HARVEY

**Art Unit**

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 March 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.
2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Patent Document #11016269 to Naruse and U.S. Patent #7,260,039 to Suh, in view of U.S. Patent #7,172,889 to Kitani et al.:

A) U.S. Patent #7,172,889 to Kitani et al.:

Kitani et al has been cited because it evidences that it was well known in the video recording art to have used a "bit by bit copy" process to copy DVD video from a first DVD storage medium onto a second recordable DVD disc media:

"Therefore, if processing so-called a bit by bit copy in which digital data reproduced from other medium is directly recorded on another medium is performed, the data read out from the DVD-video is directly recorded on the DVD-R/RW standard disc, whereby the disc of the DVD-video may be copied illegally."

[Lines 30-33 of column 2]

B) Japanese Patent Document #11016269 to Naruse:

Naruse has been cited because:

- 1) As shown in Figure 1, it evidences that systems for respectively reproducing and buffering data provided from each layer of a multi-layer DVD disc was well known in the art.

**C) U.S. Patent #7,260,039 to Suh:**

1) The examiner notes that US Patent #7,260,039 to Suh is entitled to a Section 102(e) date of 6/5/2003; i.e., the filing date of the International Application from which it was derived (note cover page);

2) US Patent #7,260,039 to Suh has been cited because it evidences:

- a) The fact that systems for recording data onto a recordable multi-layer disc were known in the art; and
- b) That such recorders utilized and recorded information identifying the beginning and ending addresses associated with the data stored in each of the layers and, as such, for identifying the transitions between the layers (Note figure 5).

**D) Combined showing:**

The examiner maintains that it would have been obvious to one of ordinary skill in the art to have:

- 1) Respectively reproduced the data recorded on the respective layers of a first multi-layer DVD utilizing conventional multi-layer DVD reproducing apparatus as evidenced by Naruse; and
- 2) To have respectively recorded the data reproduced from the respective layers of the first multi-layer DVD onto respective layers of a recordable multi-layer DVD utilizing conventional multi-layers DVD recording apparatus as evidenced by Suh.

in order to have performed the "bit by bit copy" process needed to copy the first multi-layer DVD as was shown to have been well known and desirable via the showing of Kitani et al.

With respect to the limitations of claim 1, the following is noted:

- 1) The examiner contends that all DVD reproducing devices inherently comprise "**retrieving means**" given that the recorded data must be retrieved/read from the DVD;
- 2) The examiner contends that all DVD reproducing devices also inherently comprise signal "**processing means**" given that the retrieved/read data must at least be formatted and converted into proper/respective data streams;
- 3) That, in order for the recording apparatus to have properly recorded the reproduced data onto the respective layers of the recordable medium to produce the "byte by byte copy", the

reproducing apparatus must convey the reproduced layer identifying information to the recording apparatus via an "output means"; i.e., a "byte by byte copy" of the first DVD could not be made unless the recording apparatus knows which data came from which layer so that the data may be recorded on the corresponding layers of the recordable DVD.

4. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Patent Document #11016269 to Naruse and U.S. Patent #7,260,039 to Suh, in view of U.S. Patent #7,172,889 to Kitani et al. for the same reasons explained above for claim 1. Additionally:

The examiner maintains that it would have been obvious to one of ordinary skill in the art to have multiplexed the layer identifying information with the data stream of the reproduced data thereby avoiding the need for multiple wire/bus connections between the recoding and reproducing apparatuses; i.e., the examiner taking Official Notice that such single wire/bus configuration were notoriously well known in the device interconnection arts..

5. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Patent Document #11016269 to Naruse and U.S. Patent #7,260,039 to Suh, in view of U.S. Patent #7,172,889 to Kitani et al. for the same reasons explained above for claim 1.

6. Claim 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Patent Document #11016269 to Naruse and U.S. Patent #7,260,039 to Suh, in view of U.S. Patent #7,172,889 to Kitani et al. for the same reasons explained above for claim 3. Additionally;

The examiner notes that the maximum usable size is determined by the amount of data that is retrieved from the first disc and, as such, is adjustable (at least disc by disc).

7. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Patent Document #11016269 to Naruse and U.S. Patent #7,260,039 to Suh, in view of U.S. Patent #7,172,889 to Kitani et al. for the same reasons explained above for claim 1.

- 8. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Patent Document #11016269 to Naruse and U.S. Patent #7,260,039 to Suh, in view of U.S. Patent #7,172,889 to Kitani et al. for the same reasons explained above for claim 6. Additionally:**

The examiner maintains that the video data of the DVD standard is, by definition, in a "file" format.

- 9. Claim 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Patent Document #11016269 to Naruse and U.S. Patent #7,260,039 to Suh, in view of U.S. Patent #7,172,889 to Kitani et al. for the same reasons explained above for claim 6. Additionally;**

Again, the examiner notes that the maximum usable size is determined by the amount of data that is retrieved from the first disc and, as such, is adjustable (at least disc by disc).

**10. The Following “prior art” is noted:**

A) Japanese Patent Document #2000/293,889 to Nakada et al and Japanese Patent Document #11273082 to Watanabe et al. has been cited because it described a system in which a mark is used to discriminate layers of a multilayer medium.

B) US Patent # 6,424,614 to Kawamura et al. and US Patent #5,870,374 to Sato et al. has been cited because it described a system in which addressing is used to discriminate layers of a multilayer medium.

C) US Patent # 6,829,618 to Abraham et al. has been cited for its showing of a system used to layout a disc.

D) US Patent Document #2004/0234243, constituting an intervening reference, has been cited for its illustration of recording circuitry (e.g., Figure 17).

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAVID E. HARVEY whose telephone number is (571) 272-7345.

The examiner can normally be reached on M-F from 6:00AM to 3PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Marsh D. Banks-Harold, can be reached on (571) 272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/DAVID E HARVEY/

Primary Examiner, Art Unit 2621

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